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April 8, 2016

VIA FACSIMILE

Chief Judge Christopher C. Conner
United States Judge for the Middle District of Pennsylvania
Ronald Reagan Federal Bldg. & U.S. Courthouse
228 Walnut Street
Harrisburg, PA 17101

Re: *Richard Hollihan v. Pennsylvania Department of Corrections, et. al.*
3:15-CV-00005 (M.D. Pa.)

Dear Judge Conner:

On February 8, 2016, the Court granted the parties' joint motion to stay pretrial deadlines, entered a stay of all pretrial deadlines pending the conclusion of settlement negotiations, and ordered that counsel submit a report advising the Court of the status of settlement negotiations on or before April 8, 2016 [Dkt. No. 91].

During the stay period, Plaintiff has conducted separate settlement negotiations with Jessica Davis, counsel for Defendants Pennsylvania Department of Corrections, John E. Wetzel, and Brian Hyde (collectively, the "DOC"), and Michael Hamilton, counsel for Defendants Wexford Health Sources, Inc., Dr. Donald Kern, Dr. Rashida Mahmud, and Dr. John Robinson (collectively, "Wexford").

I. NEGOTIATIONS WITH DOC

During the stay period, Plaintiff and DOC have engaged in extensive negotiations and are proceeding on the path towards reaching a settlement. Following numerous phone calls and email exchanges, the parties have agreed to most of the essential terms of a settlement. The parties request that the stay remain in place so that they may continue to negotiate remaining terms and draft the settlement agreement.

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Counsel for DOC agrees to the foregoing description of the status of settlement negotiations and also requests that the stay remain in place.

II. NEGOTIATIONS WITH WEXFORD

On January 27, 2016, Plaintiff presented his settlement demand to Mr. Hamilton, who stated that he would pass it along to his client.

On February 5, 2016, Plaintiff asked Mr. Hamilton when to expect a response to his settlement demand. On the same day, Mr. Hamilton stated that Plaintiff should expect a response “[h]opefully sometime next week.”

On February 19, 2016, Plaintiff followed up on the status of Wexford’s response to his settlement demand, and the parties then had a call to discuss settlement. Wexford did not counter Plaintiff’s demand, but instead raised the possibility of an entirely different type of settlement. After discussing Wexford’s proposal internally, Plaintiff concluded that it would not be feasible.

On February 22, 2016, the parties discussed the problematic issues related to Wexford’s proposal, and Mr. Hamilton stated that he would present Plaintiff’s original settlement demand to his client.

By email on March 3 and March 10, Plaintiff inquired about the status of Wexford’s consideration of his settlement demand. Plaintiff called Mr. Hamilton on March 15, but did not receive a response. On March 29, Plaintiff left a voicemail with Mr. Hamilton asking if he would be interested in mediation and reminding him that a status report to the Court was due on April 8. Despite Plaintiff’s multiple inquiries, Wexford has failed to respond for over six weeks and appears to have broken off communications.

Accordingly, Plaintiff requests that the stay be lifted as to Wexford, unless Wexford consents, by April 15, to attend mediation on a mutually-agreeable date on or before June 7, 2016.

III. RELIEF REQUESTED

For the foregoing reasons, Plaintiff respectfully requests that:

1. The stay of pretrial deadlines remain in place as to the DOC. Pursuant to the Court’s February 8, 2016 Order, counsel will file a status report on or before Tuesday, June 7, 2016.



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2. The stay of pretrial deadlines be lifted as to Wexford on April 15, unless Wexford consents to conducting a mediation on a mutually-agreeable date or before June 7, 2016. Should the stay be lifted as to Wexford, Plaintiff respectfully requests that his deadline to file an amended pleading remain stayed pending the conclusion of settlement negotiations with DOC. *See* Dkt. No. 99.

Respectfully,

A handwritten signature in black ink that reads "Eric Wolfish".

Eric S. Wolfish

Attorney for Plaintiff Richard Hollihan

cc: Counsel of Record (by email)